

REMARKS

Claims 6-8, 10-13 remain pending in the application and stand rejected. By the applicant's prior amendment, claims 6 and 10 were amended from the original language in order to more particularly point out and distinctly claim the subject matter of the present invention without adding any new matter, and claims 1-5, 9 and 14-18 were canceled. Reconsideration and allowance of the application is respectfully requested.

Regarding the objection to Fig. 4E, and in particular the representation of the doped region "39", the applicant herewith amends Fig. 4E to indicate the location of the doped region "39" as suggested by the examiner. Entry of the replacement sheet for Fig. 4E is respectfully requested.

Regarding the rejection of claims 6-8 and 10-13 as being unpatentable over Lee et al. (US 6,380,568) in combination with Ishida et al. (US 6,344,396) and Cunningham et al. (US 6,479,362), the applicant asserts that the cited references fail to establish a *prima facie* case of obviousness, and as such, that the action fails to set forth an appropriate basis for rejecting the claims. In order for the proposed combination to establish *prima facie* obviousness, the combination must teach or suggest each and every limitation of the claims. Every limitation must be given weight and none can be ignored.


The references taken alone or in combination do not teach or suggest as recited by claim 6 at least forming a first spacer on a first sidewall of the gate electrode and a fourth spacer on a second side wall of the gate electrode, wherein the first spacer is overlapped with a portion of an impurity region and removing the fourth spacer by a photo resist pattern covering the impurity region and the first spacer.

It is not enough that the references teach in the abstract formation and removal of various spacers, the references must teach or suggest the recited structure of the spacers, the recited relationship to the impurity region and the process for the removal of various ones of the spacers. As the references fail to teach or suggest the recited process and associated structures recited by claim 6, the combination fails to teach or suggest the claimed invention. Thus, claims 6-8 and 10-13 are allowable over the combination, and such action is respectfully requested.

Accordingly, the applicant submits that the application as whole is in condition for allowance, and such action is requested at the examiner's earliest convenience.

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Respectfully submitted,

By 

Anthony G. Sitko

Registration No.: 36,278

MARSHALL, GERSTEIN & BORUN LLP

233 S. Wacker Drive, Suite 6300

Sears Tower

Chicago, Illinois 60606-6357

(312) 474-6300

Attorney for Applicant

Attachments